

Message Text

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TO AMEMBASSY BELGRADE

UNCLAS STATE 147503

E.O. 11652: N/A

TAGS: BPRO, YO

SUBJECT: RECIPROCITY IN CUSTOMS TREATMENT OF FOREIGN
COMPANIES

REF: BELGRADE 3717

1. THE CUSTOMS SERVICE HAS INFORMED US THAT WHILE ITEM 864.50 OF THE TARIFF SCHEDULES OF THE UNITED STATES (TSUS) PERMITS DUTY-FREE ENTRY UNDER BOND OF PROFESSIONAL EQUIPMENT AND TOOLS OF TRADE, WHICH WOULD INCLUDE CERTAIN ITEMS OF OFFICE EQUIPMENT, AN AUTOMOBILE IS NOT CONSIDERED TO FALL UNDER EITHER OF THOSE CATEGORIES. NOR WOULD AN AUTOMOBILE, EITHER FOR PERSONAL OR COMPANY USE, BE CONSIDERED AS PART OF A NONRESIDENT'S HOUSEHOLD EFFECTS, WHICH WOULD BE ENTITLED TO DUTY-FREE ENTRY (IF ACTUALLY USED ABROAD FOR NOT LESS THAN ONE YEAR AND NOT INTENDED FOR ANY OTHER PERSON OR FOR SALE).

2. HOWEVER, SECTION 148.45 OF THE CUSTOMS REGULATIONS
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(19 CFR 148.45) ENTITLES A NONRESIDENT TO DUTY-FREE ENTRY OF AN AUTOMOBILE UNDER ITEM 812.30, TSUS IF IT IS IMPORTED IN CONNECTION WITH THE NONRESIDENT'S ARRIVAL IN THE UNITED STATES AND IS TO BE USED IN THIS COUNTRY

ONLY FOR THE TRANSPORTATION OF THE NONRESIDENT, HIS FAMILY AND GUESTS. SECTION 12.73(B)(5)(V) AND 12.80(B)

(2)(V) OF THE CUSTOMS REGULATIONS PROVIDE THAT AN AUTOMOBILE WHICH IS NOT IN COMPLIANCE WITH FEDERAL SAFETY AND AIR POLLUTION CONTROL STANDARDS IS TO BE IMPORTED BY A NONRESIDENT FOR A PERIOD NOT EXCEEDING ONE YEAR AND IS NOT TO BE SOLD IN THE UNITED STATES DURING THAT TIME. SECTIONS 12.73 AND 12.80 PROVIDE FOR IMPORTATION UNDER BOND OF A NONCONFORMING AUTOMOBILE WHICH THE IMPORTER DECLARES WILL BE BROUGHT INTO COMPLIANCE WITH FEDERAL STANDARDS.

3. A U.S. CITIZEN COULD BE CLASSIFIED AS A NONRESIDENT FOR CUSTOMS PURPOSES PROVIDED HE MEETS CERTAIN REQUIREMENTS PERTAINING TO HIS RESIDENCY IN A FOREIGN COUNTRY. CUSTOMS MAKES SUCH DETERMINATION ON A CASE BY CASE BASIS AND CONSIDERS CRITERIA SUCH AS HOW LONG THE INDIVIDUAL HAS LIVED IN A FOREIGN COUNTRY, WHERE HE OWNS A HOME IF HE OWNS ONE, WHERE HE VOTES, ETC.

4. THIS INFORMATION AND COPIES OF THE RELEVANT SECTIONS OF THE CUSTOMS REGULATIONS AND OF THE TARIFF SCHEDULE OF THE UNITED STATES WERE IN EARLY MAY POUCHED TO POST. DEPARMENT WILL POUCH ADDITIONAL COPIES. VANCE

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